

~~CONFIDENTIAL~~*2 + 4 June 81*
*Casby*NATIONAL INTELLIGENCE OFFICERS

The relating of intelligence efforts and activities to policy needs and processes and the completion of national estimates and clearing them through the Intelligence Community has been unacceptably confused, ineffective and slow. I am not being adequately staffed to meet the number and variety of requirements which are placed upon me for briefings and for participation in policy deliberations. This is partially because the corps of National Intelligence Officers (NIO) has been allowed to run down in number and partially because I have not been in close enough touch with the NIOs to satisfy the degree of my interest and participation in intelligence estimates and policy processes.

To correct this, I am restructuring the role of the NIOs and the procedures for having the National Foreign Intelligence Board (NFIB) and its constituent members make their inputs into national estimates prepared by the CIA.

National Intelligence Officers will report directly and function as staff to the DCI and DDCI. They will constitute the National Intelligence Council (NIC). The chairman of the NIC (C/NIC) will function as chief of staff in directing and coordinating the work of the NIOs.

Although the Director NFAC (D/NFAC) and the C/NIC will report independently and directly to me, I will expect there to be the closest possible collaboration between them in causing NFAC's intelligence production to become the basis for national estimates and in meeting the other intelligence needs of the NSC, its members and the DCI and DDCI.

The NIOs will continue to be the DCI's principal representatives in policy forums, and will continue to support the DCI in his role as member of the NSC and the DDCI as Intelligence Community representative to the SIGs--working through D/NFAC and NFAC for assistance.

The DCI, DDCI, D/NFAC and C/NIC will meet weekly to review the status of national estimates and other major intelligence products, to determine what new estimates are required and to assign the drafting of the estimate. These drafting assignments will normally go to NFAC, but, when appropriate talent or special expertise is available or for other special reasons, drafting may be assigned to NIC or to other members of the Intelligence Community.

~~CONFIDENTIAL~~

The Agency assigned drafting responsibility will prepare terms of reference which will be circulated by the appropriate NIO to constituent members of the NFIB for comment. All NFIB agency heads should review this outline and respond within 48 hours.

A draft estimate, with the comments of the appropriate NIO, and of NFAC if the draft is prepared elsewhere, shall go to the DCI/DDCI for approval. The appropriate NIO will maintain liaison between the drafting unit and other members of the Intelligence Community in order to reflect their views on the estimate and minimize delay in reflecting the views of other members of the Intelligence Community in the estimate. The NIC may meet or obtain the alternative views of scholars or others outside the Intelligence Community when it appears that this will improve the range or the quality of the estimate.

All estimates except for the large military estimates such as 11-3/8 and 11-4, are to be coordinated by representatives of the Community within three working days after approval of the draft by the DCI. These representatives should be the senior line managers of each agency's component having primary substantive interest in the subject of the estimate. Either by telephone or in a meeting, agencies will present corrections of fact or alternative text where there is a disagreement with the draft. Alternative text will be approved by the agency head. The NIO will be responsible for revising the draft to accommodate corrections and for the inclusion of alternative text in the body of the draft. The holders of alternative views will be identified by agency.

The DCI will authorize circulation of the revised draft to NFIB principals for consideration at the next meeting of the NFIB. All changes agreed at the NFIB will be completed within 48 hours following the meeting and the final estimate provided to the DCI for his approval not later than three days after the NFIB meeting. Agency views or text will not be included in an NIE if received more than 48 hours after an NFIB meeting.

The NIC will have a small support group to help prepare materials for interdepartmental meetings and papers, including NSCs and SIGs, as well as to assist NIOs in their drafting responsibilities. It is my intention that the NIC should be staffed by people of extremely high calibre from within the government and from the outside.

I believe that it is important to expose a small number of our very best analysts to the creative talents of the senior officers chosen as NIOs. The broad perspective, fresh thinking, judgment and wisdom of these officials is a valuable training and educational experience for some of our best young people. Through the NIOs, the analysts also can significantly enlarge their familiarity with a wide range of outside specialists and people with broad foreign policy experience--an invaluable asset and a useful investment for the the future. NFAC and other intelligence organizations from which analysts attached to the NIC are drawn can only benefit from the service in a rotational arrangement. This should help enormously in building a small cadre of analysts in the Community, and especially in NFAC, who have the capability to approach major issues with a geostrategic perspective and drafting skills honed by service in a small but intellectually highly charged and very demanding environment.

TRANSMITTAL SLIP		DATE 29 Apr 81
TO: → Richard Lehman, C/NIC		
ROOM NO.	BUILDING	
REMARKS: I prepared and submitted the attached to the Director.		
FROM: John A. Bross, SA/DCI		
ROOM NO.	BUILDING	EXTENSION

FORM NO 241
1 FEB 55

REPLACES FORM 36-8
WHICH MAY BE USED.

(47)

29 APR 1981

THE ROLE OF THE DCI IN NATIONAL ESTIMATES

I. Conclusions

Considerations of effective administration and logic indicate that the DCI should be identified with the estimate prepared or adopted* by the intelligence component located in CIA, or otherwise under his immediate control, which is charged with formulating National Intelligence Estimates. Ambiguities in and between the law and provisions of executive directives and precedents can be found and used to justify a decision by the DCI to write his own estimate. In other words the DCI can do pretty much what he wants. Inevitably, however, he will need a staff in Langley to develop the estimate, and the production facilities of CIA are an essential source of support for the estimating process.

II. Law and Directives

- The National Security Act of 1947 assigns to CIA the responsibility "to correlate and evaluate intelligence relating to the national security.
- National Security Council Intelligence Directive #1, issued 17 February 1972, states that "the Director of Central Intelligence shall produce national intelligence that will carry a statement of abstention or any substantially differing opinion of a United States Intelligence Board member or of an intelligence chief of a military department." Although Executive Order 11905 called for a revision of this Directive, none was ever issued.
- Executive Order 12036 states that "the Director of Central Intelligence shall have full responsibility for production and dissemination of national foreign intelligence....In doing so, the Director of Central Intelligence shall ensure that diverse points of view are considered fully and that differences of judgment within the intelligence community are brought to the attention of national policymakers."

III. History and Precedent

The National Security Act of 1947 requires CIA "to correlate and evaluate intelligence." National Security Council Intelligence Directive #1, as first issued in 1947, states that "the Director of Central Intelligence shall produce intelligence relating to the national security." A distinction between the DCI as head of the Agency and as coordinator of the community has therefore existed from the outset.

Nevertheless, preparation of estimates was regarded from the beginning as a responsibility of CIA, and in 1950 General Smith established the Office of National Estimates (ONE) as a component of CIA to carry out this responsibility. Professor Langor was appointed Assistant Director for National Estimates, a position created on 1 December 1950. Simultaneously, the Board of National Estimates was created, reporting to the DCI through

*First drafts of estimates are no longer prepared exclusively in CIA.

the DDCI to provide the overview and coordinating function required to carry out the DCI's mandate to produce national estimates. Professor Langor was both AD/NE and Chairman of the Board. The facilities for support of the DCI in his national estimating capacity were therefore firmly embedded in CIA.

The Board regarded itself as acting on the DCI's behalf and formulating a product which ultimately would become THE national estimate (see excerpt from February 1976 study by Sherman Kent at Attachment A).

Dissent from the estimates prepared by ONE were recognized and regularly taken by members of the community other than CIA. A question existed as to whether the DCI could properly dissent from the estimate or vice versa.

Allen Dulles at one point (see excerpt from Sherman Kent report at Attachment B) found himself in disagreement with all other members of the Intelligence Advisory Committee (predecessor to USIB). He solved the problem by introducing a paragraph in the estimate (SNIE 30-56) with the words, "The majority of the members of the IAC believe that..." He then followed this with his own paragraph 6, which began: 'The Director of Central Intelligence believes that...'

As the community developed, the coordinating responsibilities of the DCI became increasingly complex and a matter of escalating concern. At the time of John McCone's appointment as DCI, an effort was mounted to establish him in the White House as a "coordinator." Although this proposal was successfully resisted, it continued to haunt those concerned with organizational problems and resulted in McCone's decision to elevate his deputy to full membership on the United States Intelligence Board (see Sherman Kent at Attachment C).

This appointment gave visibility to the bifurcation developing in the DCI's role as between his Agency and community responsibilities. It did not, however, relieve him from his responsibility for national estimates.

The concept of a two-hatted DCI originated with and was fed and supported by those, mostly other members of the intelligence community or their supporters, who complained about what they regarded as a conflict of interest in the exercise of the coordinating function because of a built-in DCI bias towards CIA. This was the so-called pitcher/umpire allegation. Beginning in the early 1960's this distinction between the DCI as coordinator and as head of the Agency assumed increasing importance, not only in connection with the exercise of the DCI's function as a coordinator and arbiter of operational and resource allocation matters but also in regard to substantive judgments.

Partly at least in deference to this opinion, various changes in the form and procedures for the formulation of National Intelligence Estimates were made.

Bill Colby apparently initiated the practice of expressing major dissents from the DCI's position as "alternate views" and the use of "some believe...others believe..." where the DCI chose not to take a position.

In NIE 11-3/8-80 Admiral Turner took issue with the entire community. His position appears to have been essentially a matter of form as he felt that the Community's Key Judgments did not highlight the issues that he thought were most important to the policymaker.

However the estimates are prepared, under E.O. 12036 the DCI is required to reflect differing views that are held within the community including the views of CIA to the extent that they can be construed to constitute a divergent view.

A variant from those cases in which the DCI has, one way or another, submitted something by way of dissent from the CIA estimate was an occasion in 1969 when Richard Helms changed the estimate prepared by CIA and approved by the community. This was the version of NIE 11-8 which included a statement that the Soviets were not attempting to achieve a first-strike capability. Helms was persuaded by the then Secretary of Defense that there was really no evidence to support this proposition and that whether or not the Soviets could achieve, or might think they could achieve, a first-strike capability depended in considerable measure on the American defense measures and build-up for which CIA and the intelligence community could hardly be responsible or foresee. Helms therefore deleted the sentence about Soviet intentions with respect to a first strike.

It is clear enough that, beginning with General Smith, all DCIs have assumed personal proprietorship of national estimates. Up through Helms, however, there was never any doubt that preparation of the DCI draft estimate was a responsibility of a component of CIA. Various DCIs subjected drafts of estimates prepared on their behalf to scrutiny and review with varying degrees of intensity. McCone used to interrogate Sherman Kent about the meaning of paragraphs of a proposed estimate at 5:30 in the morning. The possibility of an irreconcilable difference of opinion between the DCI and his estimating staff always exists. There is the example, already cited, of Dulles' difference of opinion with the entire community, including CIA (Attachment B). McCone differed with his staff's conclusion that the Soviets would not put missiles into Cuba but let the estimate stand. Helms ultimately differed with a statement in NIE 11-8 and eliminated the statement.

It is also clear that the DCI can choose his own facilities and staff support to prepare these estimates. Obviously, however, as estimating is a continuous process he will need a permanent staff which handles the evidence effectively and is responsive to his wishes (with which he may sometimes disagree). There is no other way.

SECRET

ATTACHMENT
7

Throughout the coordinating proceedings the [of National Estimates] Board/was acting in behalf of the Director. It was mindful of its responsibility to formulate judgments and estimates which it not only felt duty-bound to recommend to the Director but which it could also sustain in evidence--as far as it went. Usually the Board would cheerfully carry the burden of making such judgments in the Director's name up to the eve of the USIB meeting or until the DCI could study the finished coordinated text. If at such a moment the DCI was not convinced and desired to alter things, it was the Board's job to make the necessary amendments to the text.

On some occasions, however, the Board hesitated to commit itself--let alone the Director--without alerting him to the issue at hand and getting his guidance. Needless to say this sort of issue had to be a block-buster: e.g., was the USSR probably or probably not competing with the US for the first manned lunar landing? Was the USSR's so-called Tallin system probably being designed primarily as a defense against ballistic missiles or against air breathing vehicles? Clearly on such matters the boss should be briefed into the problem from the beginning, and just as clearly the Board ought

- 72 -

SECRET

SECRET

to have his preliminary thoughts before it began its meetings with the Reps. [Representatives of other components of the intelligence community.]

Our endeavors in this twin objective were often frustrated by circumstances beyond normal human control. From the point of view of the Board, a Director ought to see the importance of a decision he would have to make in, say, two months. He ought, accordingly to find the time to be briefed on the substance of the subject, the evidence, the favored conclusion, plus the most obvious alternative conclusions. For Directors--always short on time--to spend two hours with a team of briefers, and many more than that with hundreds of pages of recommended reading--from the text books all the way to the highly classified intelligence studies--was silly, if not downright impossible. All the more so when such Directors knew: a) that the final decision was a long way off, and b) that in the interim new evidence, new hypotheses, and even new conclusions were highly probable. Why invest this amount of time so early in the game? The Board's reply (had it ever been given) would have denied none of these distressing probabilities, but would have tried to make a point more acceptable to scholars than to busy executives: namely, that topics as

- 73 -

SECRET

SECRET

complicated as this one are not usually mastered in a single sitting and that time supposedly wasted in preliminary briefings and open discussion was time invested in the best sense of the word. What we on the Board really wanted was for the Director to drop everything else and sit with us during the critical phases of the preparation of the paper. What the Director for his part really wanted was a Board which could master the subject and just before the deadline fill him with instant wisdom. It is not surprising that neither party got its druthers.

In matters of less importance we put our draft before the Reps pretty much as if it had the Director's blessing. We played it that way to the end, and if the Director, at the climactic session of the USIB, decided it was not to his taste--that was life. In actual fact, matters were not quite so brutal as this. I will deal with the softener, that is, our pre-USIB briefing of the DCI a little later in the essay.

E. Coordination of the Draft with the Reps

The important moments in the life of all NIEs came sometime after the Board draft had been perfected

SECRET

Both the law and custom made it constitutionally impossible for the DCI to find himself in the dissenting role. General Smith once told colleagues on the IAC that "he would be willing to publish an estimate to which every member of the IAC dissented, and some day it might be necessary to do that in order to present a good estimate [but that he had no desire to do so]."²⁰⁷

Several years later, Mr. Dulles encountered the sort of problem General Smith had had in mind. The estimate in question, SNIE 30-56, Critical Aspects of the Arab-Israeli Situation, (28 February 1956) was for the most part a "contingency estimate" relating to the probable response to a US decision to send arms to Israel. The staff of the ONE and the Board drafted a paper which held that any arms assistance would meet a very strong and united Arab opposition. The Reps agreed with the Board's position and so, it turned out, did their principals. But not Mr. Dulles. He agreed that the shipment of a substantial amount of arms would probably cause the reaction described in the draft, but he believed that there was an even chance that the most

76. Quoted from Montague, *Smith*, Vol. II, p. 43.

SECRET

ATTACHMENT
R

SECRET

serious consequences could be avoided if the arms were sent in moderate amount and if they were in fact largely defensive in nature. His attempt for an intermediate position found no takers among his IAC colleagues. Then rather than forcing them all into a footnote of dissent, he invited them in great good humor to put their views in paragraph 5 of the text. He himself suggested that they begin it: "The majority of the members of the IAC believe that. . . ." He then followed this with his own paragraph 6, which began: "The Director of Central Intelligence believes that. . . ." ^{77/} In this fashion Mr. Dulles extricated himself gracefully from a dilemma, one horn of which would have involved an insensitive use of the DCI's constitutional powers, the other the legal enormity of dissenting from his own paper.

I. Post-Mortems: The Identification of Intelligence Deficiencies

In the early 1950s we initiated an exercise--

77. No one can blame the reader for a deep curiosity as to which of the two sides in this debate was proven correct. The answer here and in many another such matter is that there is no answer. For some reason--perhaps the portentous estimate of the majority--no arms were sent--at least in that particular constellation of circumstances.

SECRET

unit. Then came the seat or seats reserved for officers of CIA who had a role in one of the items on the Committee's agenda. When an NIE was up the chairman of the Board of National Estimates sat in one and the Board member who had presided over the NIE in the other. Last and on the chairman's (the DCI's) immediate right--starting in December 1961 and enduring till this day--sat the Deputy Director of Central Intelligence.

As with Mr. Dulles before him, Mr. McCone had been belabored by higher authority (notably the President's Foreign Intelligence Advisory Board--the PFIAB) to lift himself above the day-to-day administration of his Agency and to concentrate his attention upon the proper "coordination of the intelligence community."

I have been reliably informed that a spokesman for the PFIAB suggested to Mr. McCone at the very start of his incumbency that he should do just that. Apparently he went on to indicate that Mr. McCone should not only divorce himself from Agency activities but physically move himself to a downtown office, say, in the Executive Office Building. According to this line of reasoning, the Deputy Director of Central Intelligence would act as the principal executive officer of the Agency,

SECRET

ATTACHMENT
2, 2

SECRET

and the DCI as the effective chief of the community. Quite obviously Mr. McCone could not see his way to a literal observance of this suggestion, but by way of an earnest of his good intention, he elevated his deputy to full membership in the USIB with the duty of representing the CIA in such community matters as came before that body. He made a formal statement to this effect to his USIB colleagues at his very first meeting with them (30 November 1961). A memorandum from President Kennedy (16 January 1962) not only approved this action, but also confirmed and strengthened the DCI's authority to coordinate community activities. It is beyond the scope of this essay to comment upon any aspect of this action save one--the presumptive role of the DDCI as the Agency's spokesman for the NIEs.

As I saw things there were two sorts of business which came before the USIB: they were national intelligence, notably the NIEs on the one hand and on the other, just about everything else. To me it was possible for the DCI to depute his responsibility to his deputy in the area of the everything else. But the law, the NSCIDs, the early texts of constitutional standing, Presidential directives and executive orders made it

SECRET

SECRET

impossible for the DCI to waive his responsibility for the national intelligence whose highest exemplar was the NIE. The NIEs were, by definition, his papers; their issuance his responsibility. Hence to speak as if his deputy were free to dissent from the Director's own utterance in the name of the Agency seemed to me as something out of the land of Oz. The Agency in whose name the DDCI would speak had in almost every case been thoroughly canvassed by the Board of National Estimates before it put the draft NIE before the Director. To be sure not every knowledgeable officer of the Agency was wholly satisfied with every phase of the paper, but that was not because he hadn't been consulted through one medium or another.

Happily neither of the DDCIs I served under after Mr. McCone's innovation ever saw fit to quarrel with an NIE once it had reached the USIB. The DDCI was an important officer of the agency, and his views on the NIEs in progress (when he had such views) received the full attention of the BNE. I do not know how I would have handled an unexpected dissent should the DDCI have raised one at the USIB.

SECRET